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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,064	11/19/1998	HARM J. W. BELT	PHN16.638	8724
24737	7590	03/10/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			LAO, LUN S	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2644	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/196,064	BELT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lun-See Lao	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12-09-2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### *Introduction*

1. This action is response to amendment filed on 12-09-2006. Claims 1-11 are pending.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 7 and US Paten (US PAT. 6,774,934). Although the conflicting claims are not identical, they are not patentably distinct from each other.

Consider claims, 1, 8 and 10 substantially all the claimed steps in these claims were recited in claims 1, 2 and 7 of the patent identified above, such as the steps of : “ a plurality of audio sources generating a plurality of input audio signals;

a processor comprising a scaling means for weighting the plurality of input signals and deriving a plurality of a processed audio signals from the plurality of input audio signals without delay values; and

a combiner that derives a combined audio signal from the plurality of processed audio signals;

controller that causes the processor to maximize a power measure of the combined audio signal, wherein the controller is arranged to limit a combined power gain measure of the processed audio signals to a predetermined value without measuring an energy transfer at each site where one respective audio source of the plurality of audio sources receives the input audio signals” (see US PAT. 6,774,934, claims 1-8, col. 10 line 60- col. 12 line 57).

Because claims 1-11 of US patent application 09/196,064 are similar in scope to claims 1-8 of the US patent (US PAT. 6,774,934) with obvious wording variation, there are both describing an array of electromagnetic transducer assemblies supported by audio processing and controller. Claims 1,8 and 10 are rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 7 of U.S. Patent (US PAT. 6,774,934). Although the conflicting claims are not identical, they are not patentably distinct from each other because both inventions relates to maximizing the power measure of a combined audio signal and limiting the combined gain of the combined signal. Regarding claims 1,8 and 10, US PAT. 6,774,934 discloses a signal source localization arrangement (claims 1 and 2) and communication arrangement (claim 7), including receivers, which indicates a plurality of audio sources generating input signals, impulse response determining means, which indicates deriving processed audio signals, and further the impulse determining means provides for maximizing the power measure of a combined audio signal and limiting the combined gain of the combined signal, therein as claimed.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection and commented on the provisional double patenting rejection in view of a copending application, 09/310,086. A new double patent rejection is being provided in view of US PAT. 6,774,934.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dougherty (US PAT. 5,872,852) is recited to show how other related the audio processing arrangement with multiple sources.

6. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

**(571) 273-8300**

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 0-05-2006



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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